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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/086,102

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Paul Glor Howard

2001-0370

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26652

7590

07/07/2006

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EXAMINER

BAYAT, ALI

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/086,102	Applicant(s) HOWARD, PAUL GLOR	
	Examiner Ali Bayat	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed on 6/12/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-7,13,17,18,22-26,30 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,13,17,18,22-26,30 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/12/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 6/12/06 have been fully considered but they are not persuasive. In page 6 (Applicant's remarks) Applicant argues that there is more evidence against the combination (Chu et al. and Morihara et al.) references than there is supporting the combination. Further Applicant submits that because of the differences in their subject matter, that one of skill in the art would not have motivation to combine Morihara et al. with Chu et al.

Examiner respectfully disagrees, the prior art of Chu and Morihara are combinable because they are from the same field of endeavor (data compressing and reconstructing apparatus). At the time of invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Morihara (col.2 lines 9-20) with the system and method of Chu. Because Morihara invention relates to data compressing apparatus, reconstructing apparatus, and its method for compressing and reconstructing document data formed by character codes of a language such as Japanese (col.1 lines 10-15). Also the limitations of claims 3 and 4 (semi-adaptive arithmetic coder or a non-adaptive arithmetic coder) are prior art admitted by Applicant of instance Application (see the last paragraph in related art).

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13 and 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A bitstream data generated by a method of

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coding in not statutory. Unless it is a proper method or apparatus that processes a signal, which is statutory.

1. A signal is NOT a "series of steps" per se (i.e., a process);
2. A signals is NOT a "machine" , "manufacture" or "composition of matter" because a signal is NOT a physical structure or material; and ; and machines, manufactures and compositions matter has traditionally been defined as comprising physical structures or materials.
3. Rather, a signal is a form of energy. See Guidelines Section Annex IV.c.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,5-7,18-19, 22-26,30, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu et al.(U.S. 5,367,629) in view of Morihara et al. (US 6,542,640).

Claims 1,5-7,18, 22-26,30, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Chu et al. (U.S.5, 367,629).

In regard to claim 1, Chu provides for a converting a block of image data into transform coefficients (Fig.11A element 374, also Fig.13 element 374,col.14 lines 19-25); quantizing the transform coefficients (Fig.13 element 374, col.14 lines 19-25) such

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that all, some, or none of the transform coefficients become zero (Fig.13 element 392, col.14 lines 25-34); and constructing a single entity indicating which transform coefficients are non-zero (see the 8bits output of element 404, in Fig.13 which corresponds to single entity, col.14 lines 29-35); and coding the single entity as an integer using an arithmetic coder (see vector pattern VLC, which is output of element 406 in Fig.13, col.14 lines 60-68, which corresponds to one kind of arithmetic coding) wherein the values of the transform coefficients are coded in any fixed order (Fig's 11B-11D, col.13 lines 28-36). CHu does not expressly provide for semi-adaptive and non-adaptive arithmetic coder. Morihara provides for semi-adaptive and non-adaptive arithmetic coder (col.2 lines 9-20, note static coding that corresponds to non-adaptive). The prior art of Chu and Morihara are combinable because they are from the same field of endeavor (data compressing and reconstructing apparatus). At the time of invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Morihara (col.2 lines 9-20) with the system and method of Chu. Because Morihara invention relates to data compressing apparatus, reconstructing apparatus, and its method for compressing and reconstructing document data formed by character codes of a language such as Japanese (col.1 lines 10-15). Also (semi-adaptive arithmetic coder or a non-adaptive arithmetic coder) are prior art admitted by Applicant of instance Application (see the last paragraph in related art).

As to claims 5 and 6 Chu provides for a method, wherein each transform coefficient is coded according to its own context, based on the transform coefficient (Fig.13 element 374, see the quantized coefficient).

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In regard to claims 7, 22, 24,26 and 34 Chu provides for a method, wherein the single entity is a bit vector (Fig.13 element 404, col.14 lines 28-30).

With regard to claims 23 and 30, see the rejected claim 1. They recite similar limitations as claim 1. Hence they are similarly analyzed and rejected.

As to claim 18. See the rejected claim 1. It recites similar limitations as claim 18. Except for a computer-readable medium (Fig.1 element 104). Hence it is similarly analyzed and rejected.

In regard to claim 25, Chu provides for decoding the single entity wherein the values of transform coefficients are decoded in any fixed order (Fig.14, elements 422,424,426); deconstructing the single entity (Fig.14 element 432) to determine which coefficients are non-zero (Fig.14, element 436); dequantizing the transform coefficients to determine whether all, some or none of the coefficients are zero (Fig.14 element 438); and converting the dequantized transform coefficients into block image data (Fig.14 element 440).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 571-272-7444.

The examiner can normally be reached on M-F 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ali Bayat *AB*
Patent Examiner
Division 2624
6/21/06

JINGGEWU
PRIMARY EXAMINER